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ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD

IN THE MATTER OF THE PETITION TO AMEND 20.11.3 NMAC, *TRANSPORTATION CONFORMITY*, AND INCORPORATE SAID AMENDMENTS INTO THE NEW MEXICO STATE IMPLEMENTATION PLAN FOR AIR QUALITY (SIP)

AQCB Petition No. 2012-4

Air Quality Division,
Environmental Health Department,
City of Albuquerque, Petitioner

Petition to Amend 20.11.3 NMAC, *Transportation Conformity*, and Incorporate an Amended 20.11.3 NMAC into the New Mexico State Implementation Plan for Air Quality ("SIP")

The City of Albuquerque ("City"), by and through the Air Quality Division ("Division") of the Environmental Health Department ("Department"), asks the Albuquerque-Bernalillo County Air Quality Control Board ("Air Board") to amend 20.11.3 NMAC, *Transportation Conformity*, and submit said amendments to the U.S. Environmental Protection Agency ("EPA") as a revision to the SIP. This Petition includes a request for a hearing on these matters and permission to provide a court reporter and hearing officer for the hearing. The New Mexico Air Quality Control Act ("Air Act"), NMSA 1978, Sections 74-2-4 and 74-2-5.B(1) [1967 as amended through 2007] authorizes and requires the Air Board to adopt, amend, or replace air quality regulations and to adopt air quality plans (SIPs) under NMSA 1978, Section 74-2-5.B(2).

As grounds, Petitioner states the following:

1. On March 14, 2012, the EPA promulgated changes to the transportation conformity rule. Transportation conformity is a Clean Air Act requirement that ensures that federally supported highway and transit projects are consistent with state air quality implementation plans (SIPs). Conformity helps protect public health through early consideration of the air quality impacts of transportation decisions in places where air quality does not currently meet federal standards or has not met them in the past. This rule became effective on April 13, 2012 [FR Vol. 77, No. 50, 14979-14988]. In response, and as required by EPA, the AQD is proposing amendments to update the local conformity regulation.

2. The proposed amendments to 20.11.3 NMAC will restructure two sections of the conformity rule, 20.11.3.109 NMAC [40 CFR 93.109] and 20.11.3.119 NMAC [40 CFR 93.119], so that the existing rule requirements clearly apply to areas designated for future new or revised NAAQS, thus reducing the need to amend the transportation conformity rule merely to reference specific new NAAQS. As a result of these changes, the conformity rule will apply to any new NAAQS that EPA establishes in the future. This rule also allows $PM_{2.5}$ areas with clean air quality data to take advantage of conformity flexibilities that are currently available only to ozone areas.

3. It is anticipated that the hearing will take approximately 1 hour or less.

4. The proposed Public Review Draft of 20.11.3 NMAC, T*ransportation Conformity* is attached as Exhibit #1a.

Respectfully submitted,

Mary Lou Leonard, Director
Environmental Health Department
City of Albuquerque

CERTIFICATION

I hereby certify that a copy of this Petition to Amend 20.11.3 NMAC, *Transportation Conformity*, and Incorporate Said Amendments Into the New Mexico State Implementation Plan for Air Quality (SIP), was delivered to the following person on June 26, 2012.

Margaret Nieto
Secretary to the Air Quality Control Board
Environmental Health Department
One Civic Plaza, NW, Suite 3023
Albuquerque, New Mexico 87102

and that a copy was provided to:

Bill Grantham, Attorney to the Air Quality Control Board
at wggrantham@gmail.com

Mary Lou Leonard, Director,
Environmental Health Department
City of Albuquerque